

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 3-5, 7, 9-11, 13 and 15-17 are amended without prejudice or disclaimer.

Rejection of Claims 1-18 Under 35 U.S.C. §101

The Office Action rejects claims 1-18 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended the claims in order to provide the required concrete and tangible results. The independent claims have been amended to provide the step or the element of performing data pre-staging based on the co-allocation in time registration and prior to processing the job in the compute environment. This, of course, is a concrete and tangible result and thus, claims 1-18 comply with 35 U.S.C. §101.

With regards to claims 7-12, Applicant has amended claim 7 to recite a processor and has further amended the claims to recite that each module is configured to control the processor to perform a certain function. Accordingly, the claims now include an associated hardware component that is required for execution and thus, these claims comply with 35 U.S.C. §101.

Rejection of Claims 1-18 Under 35 U.S.C. §112

The Office Action rejects claims 1-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant respectfully submits that the claims have been reviewed and revised and each of the terms that were asserted to lack antecedent basis are now amended and now comply with 35 U.S.C. §112.

Page 4 of the Office Action, Section b.i., notes that claim 1, lines 3-4 were not clearly understood. Applicant has amended this limitation as suggested in the Office Action and request withdrawal of this objection.

With regards to Section b.ii., Applicant has amended claims 3, 9 and 15 to address the objection to the claims.

With regards to Section b.iii., Applicant has amended claims, 5, 11 and 17 to address the issues raised as to these claims.

Applicant respectfully submits that each of the issues raised has been adequately addressed and the claims now stand in condition for allowance.

Rejection of Claims 1-18 Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-18 under 35 U.S.C. §102(b) as being anticipated by Rottoo (WO 98/58518) (“Rottoo”). Applicant respectfully traverses this rejection and note that the foundation of the rejection is applying the multimedia reservation controller system of Rottoo et al. to the compute environment recited in the claims.

Applicant notes, for example, that claim 1 recites an intelligent data “pre-staging” process. Applicant respectfully submits that there is no concept of data pre-staging that is found as part of the multimedia server (MMS) approach of Rottoo. Notably, the MMS of Rottoo is a multimedia conferencing service in which audio and video is handled such that each party can see and hear several or all of the other parties to the conference. Accordingly, Applicant respectfully submits that it is a general statement, that the field of the disclosure of Rottoo fundamentally differs from the compute environment that is the concept disclosed by Applicant in his application. Applicant does, however, understand that the general concept recited of a “compute environment” in the claims may be interpreted so broadly as to encompass the MMS. Applicant has made a minor amendment to the independent claims in which the first step or limitation involves determining availability of compute resources “in a cluster or grid environment.” Thus, Applicant respectfully submit that this appropriately defines the type of

compute resources within the claims so as not to encompass multimedia conferencing systems but rather compute resources in a cluster or grid environment.

Next, Applicant does note that the additional limitation of the independent claims with regards to performing data pre-staging based on a co-allocation and time reservation and prior to processing the job in the compute environment is not taught or suggested in Rottoo. Support for this limitation may be found in paragraph [0026] of the present application in which data stage-in reservation is made earlier in time to the compute reservation.

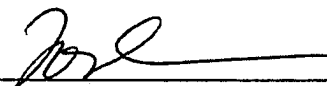
Therefore, Applicants respectfully submit that inasmuch as each independent claim 1, 7 and 13 include the limitations and differentiating features as set forth above, Applicant submits that claims 1-18 are patentable and in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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